

REMARKS

Claims 1-11 are pending and claims 12-15 have been cancelled subject to the filing of a divisional application. Claim 1 has been amended, and support for this amendment and for newly proposed claims 16 and 22 is found in the Specification, paragraphs [0007], [0034] and [0035] as well as in Fig. 7 and in claims 10 and 11 as originally filed. Newly proposed claims 17 to 20 depend from claim 1 and find support in the Specification, paragraphs [0007], [0008], [0030] and [0035], and in Figures 1, 4 and 6 to 8. Newly proposed claim 21 depends further from dependent claim 17 and finds support in the Specification in paragraphs [0022] and [0032] and in Figures 6 and 7.

Applicants are grateful to the Examiner for the telephone interview of August 17, 2005 wherein the undersigned inquired about the Advisory Action of August 10, 2005 refusing entry of the Second Amendment After Final. The undersigned had asked whether or not the limitations in dependent claims 10 and 11 concerning the oval shape of the first and second guide wire openings being in the claims upon filing, was sufficient to support the new amendment to Claim 1 so that it would not be a new issue requiring further search. Since the Examiner had not previously expressed that any claims stood allowable over the prior art, Claim 1 as newly amended as well as new dependent claims 16 to 22 do raise new issues requiring further search. No agreement was reached on the allowability of any claims during the interview.

In further explanation of the currently amended claim 1, and with reference to Figures 5 and 7, the elongate shape of the guide wire openings and the orientation thereof with respect to the axes of the catheter lumens, permits the guide wire when extended therethrough during use of the present invention with a patient by passing the catheter assembly over the guide wire and along the vessel of the patient, to assume an orientation more inclined to be parallel to the axes of the catheter lumens, and less inclined to be orthogonal thereto. This facilitates insertion of the catheter assembly over the guide wire by effectively reducing the local transverse width of the overall catheter/guide wire

assembly within a vessel of the patient; specifically, the guide wire protrudes less outwardly beyond the side wall of the catheter at the distal tips of at least the second lumen and thereby there is less pressure against the vessel walls from the catheter/guide wire assembly during passage therethrough of the catheter assembly along the guide wire.

In the Office Action, the Examiner rejected pending claims 1-11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,595,966 to Davey et al. ("Davey"). Applicants respectfully traverse this rejection as it pertains to amended claim 1.

In order to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. M.P.E.P. §2131. Furthermore, "the identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) and M.P.E.P. §2131.

Applicants respectfully submit that Davey fails to disclose or suggest all of the features of claim 1 and that the present rejection is improper. Davey fails to disclose or suggest the manner of the interaction of a guide wire and the catheter as claimed in amended claim 1. Additionally, Davey fails to disclose providing elongated side holes that correspond to the elongated guide wall openings of the presently amended claim 1.

Applicants therefore respectfully request reconsideration and allowance of claim 1 and newly proposed independent claim 22. Claims 2 to 11 and newly proposed claims 16 to 21 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that claims 2 to 11 are all allowable over Davey for the reasons as set forth above with respect to claims 1 and 22. Similarly, newly proposed claims 16 to 20 also depend from claim 1 and likewise are all allowable over Davey.

In the Office Action, the Examiner also rejected claims 1-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,405,341 to Martin ("Martin"). Applicants respectfully traverse this rejection as it pertains to amended claim 1.

In Fig. 5, Martin discloses a guide wire 54 inserted into the return opening 46 and out the guide wire side opening 52. The guide wire 54 is then inserted into the intake opening 44 and through the lumen 28. Martin fails to disclose or suggest the insertion of the guide wire into a second lumen through a guide wire opening located proximally of the intake opening 44, as is claimed in amended claim 1. Further, Martin fails to disclose an elongated sidewall opening that corresponds to the elongated second guide wire opening of the present invention.

Applicants therefore respectfully request reconsideration and allowance of claim 1 and newly proposed independent claim 22. Claims 2 to 11 and newly proposed claims 16 to 21 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that claims 2 to 11 and 16 to 21 are all allowable over Martin for the reasons as set forth above with respect to claims 1 and 22.